BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

IN THE MATTER OF:

A Resolution of the City Council of the City of Lafayette Finding No Nonprofit Corporations or Associations Readily Available To Meet the Transportation Needs of Elderly Persons or Persons with Disabilities	)	Resolution 2009-40

WHEREAS, the Federal Transit Administration ("FTA") established a capital grant program, as set forth in section 5310 of title 39 of the United States Code, for meeting the transportation needs of elderly persons and persons with disabilities in areas where public mass transportation services are otherwise unavailable, insufficient, or inappropriate ("FTA Section 5310"); and

WHEREAS, the FTA Section 5310 grant is awarded through a competitive application process to eligible applicants including local governmental authorities and private nonprofit corporations or associations; and

WHEREAS, FTA Section 5310(a)(2) provides that a State may allocate apportioned funds to a governmental authority to provide public transportation services if private nonprofit corporations or associations are not readily available in the area to provide such services; and

WHEREAS, the FTA Section 5310 grant application provides that the governmental authority must provide proof that private nonprofit corporations or associations are not readily available in the area to provide such services by doing the following: (i) holding a public hearing certifying to the governor of the state within which the governmental authority is located that no private nonprofit corporations or associations are readily available to provide such services; (ii) providing sufficient notice of such public hearing; (iii) passing a resolution that no nonprofit corporations or associations are readily available to provide the proposed services; (iv) completing a Public Agency Certification as part of the application for the FTA Section 5310 grant; and (v) providing nonprofit transportation providers on a list approved by the regional transportation planning agency with notice of the public hearing and retaining proof of contact with such nonprofits regarding the notice; and

WHEREAS, the City of Lafayette ("City") wishes to apply for an FTA Section 5310 grant; and

WHEREAS, available mass transportation is insufficient to meet the transportation needs of elderly persons and persons with disabilities in the City; and

WHEREAS, the City wishes to find that private nonprofit corporations and associations are not readily available in the area to meet the transportation needs of elderly persons and persons with disabilities in the City.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. **Public Hearing**. At the June 22, 2009 City Council meeting of the City, a public hearing was held to certify to the Governor of California that no nonprofit corporations or associations are

10C

readily available in the service area to provide transportation services to meet the needs of elderly persons and persons with disabilities in the City.

Section 2. **Notice of Public Hearing**. Notice of the public hearing held on June 22, 2009 was published in the Contra Costa Times thirty (30) days in advance of the meeting and letters providing notice of the public hearing were sent to nonprofits on a list provided by Metropolitan Transportation Commission, the regional transportation planning agency for the FTA Section 5310 grant.

Section 3. **Public Agency Certification**. The Public Agency Certification was completed and signed on June 23, 2009 by the City.

Section 4. **No Nonprofit Readily Available**. No nonprofit corporations or associations are readily available in the City to provide transportation services to meet the needs of elderly persons and persons with disabilities in the City.

Section 5. **Effective Date**. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED by the City Council at a meeting of said Council on July 13, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Joanne Robbins, City Clerk

APPROVED:

Don Tatzin, Mayor